IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Bail Appl..No. 3689 of 2007()

CRIME 126/07 OF PAVARATTY POLICE STATION

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PETITIONER/ACCUSED

BIJU, AGED 25, S/O.BALAN, NAMBIYATH HOUSE, PUVATHUR, THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS: STATE OF KERALA/COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE SUB INSPECTOR OF POLICE, PAVARATTY POLICE STATION, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 3689 of 2007

Dated this the 19th day of June, 2007

ORDER

Application for regular bail. The petitioner faces allegations, inter alia, under Secs.153-A and 307 of the IPC. He is the first accused. The petitioner was arrested and remains in custody in this case from 6/5/07. He is an accused in another crime also where he has already secured bail, it is submitted. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He has been continuing in custody from 6/5/07. Subject to appropriate conditions, the petitioner may be enlarged on bail now, it is prayed.

2. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that it is too early to consider the release of the petitioner on bail. The Investigator may be granted reasonable further time to complete the investigation. The series of incidents have

created a law and order problem in the locality and permitting the petitioner to return to the arena of conflict will endanger the law and order situation. In any case, appropriate and strict conditions may be imposed, it is prayed.

3. Having considered all the relevant circumstances, including the nature and gravity of the allegations and the period of pre-trial incarceration which has already taken place, I am satisfied that the petitioner can now be directed to be released on bail subject to appropriate terms and conditions. The request of the learned Public Prosecutor that some further time for Investigator to complete the investigation can, of course, be considered favourably.

4. **In the result:**

(a) This application is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall not be released from custody on the strength of this order prior to 28/6/07. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the

like sum to the satisfaction of the learned Magistrate.

(iii) The petitioner shall not enter the Sessions Division of Thrissur until further orders without the permission of the learned Magistrate.

(iv) The petitioner shall report before the learned Chief Judicial Magistrate, Ernakulam, at 11 a.m. on all Mondays until further orders.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge